

Application No. 10/734,894
Response to Notice of Non-Compliant Amendment

Customer No. 01933

R E M A R K S

The Notice of Non-Compliant Amendment indicates that the Amendments to the Specification section of the Amendment filed on March 9, 2006, is improper because the amended abstract is included the Amendments to the Specification section. In addition, the Notice of Non-Compliant Amendment indicates that the amended abstract is improper because it is not presented on a separate sheet.

It is respectfully pointed out, however, that the first objection is improper, and that the second objection is incorrect.

With respect to the first objection, it is respectfully pointed out that MPEP 714(II)(A) explicitly defines the appropriate sections of an Amendment to be: (A) a cover sheet, (B) a section entitled "Amendments to the Specification" (C) a section entitled "Amendments to the Claims" (D) a section entitled "Amendments to the Drawings" (E) a remarks section, and (F) any amended drawings. No mention is made of a separate "Amendments to the Abstract" section.

In addition, it is respectfully pointed out that MPEP 714(II)(A), item (B) defines the section entitled "Amendments to the Specification" as follows:

(B) a section (must begin on a separate sheet) entitled "Amendments to the Specification" (if there are any amendments to the specification). This section should include all amendments to the specification including amendments to the abstract of the disclosure; (emphasis added)

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Accordingly, it is respectfully submitted that the first objection set forth in the Notice of Non-Compliant Amendment requiring that the Amendments to the Specification section be separate from the amended abstract is clearly improper and should be withdrawn.

It is respectfully pointed out, moreover, that the amended abstract presented in the Amendment filed on March 9, 2006, is in fact set forth in its entirety on page 2 of the Amendment. Accordingly, it is respectfully submitted that the requirement that the amended abstract be set forth on a separate sheet has been satisfied.

Accordingly, it is respectfully submitted that the second objection set forth in the Notice of Non-Compliant Amendment indicating that the abstract has not been set forth on a separate sheet is also clearly erroneous and should be withdrawn.

In view of the foregoing, it is respectfully submitted that the Notice of Non-Compliant Amendment mailed on March 21, 2006, be withdrawn and that the Amendment filed on March 9, 2006, be entered.

If this request for entry of the Amendment filed on March 9, 2006, is refused, it is respectfully requested that this submission be considered a Petition for reconsideration, and authorization is hereby given to charge any necessary fee to Account No. 06-1378.

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If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,

/Douglas Holtz/

Douglas Holtz
Reg. No. 33,902

Frishauf, Holtz, Goodman & Chick, P.C.
220 Fifth Avenue - 16th Floor
New York, New York 10001-7708
Tel. No. (212) 319-4900
Fax No. (212) 319-5101

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